and 33. New claims 53 and 57 recite the same Markush group. The Applicant elects without traverse, the species "angiogenic agent", for prosecution in the present application.

The Examiner states that claims 1 and 26 are generic to a plurality of disclosed patentably distinct species comprising a vector selected from the group consisting of a viral vector, plasmid vector, non-plasmid vector, or a combination thereof, as recited in claims 4 and 28. Claim 4 recites the medical device of claim 1, wherein the **carrier** is a viral vector, plasmid vector, non-plasmid vector, or a combination thereof. Claim 28 recites a method of claim 26, wherein the **carrier** is a viral vector, plasmid vector, a non-plasmid vector, or a combination thereof. As such, claims 4 and 28 are not drawn to the elected species of "a non-genetic therapeutic agent", and therefore no further election is necessary.

Accordingly, the following claims read on the elected species: 1, 3, 10-12, 17-20, 23-27, 34-36, 38, 42-44, 47, 48, 50, 51. The following claims are drawn to a non-elected species: 2, 4-9, 13-16, 21, 22, 28, 29, 31-33, 37-41, 45, 46, 49

Prior to examination of the above-identified application, please enter the following amendments.

In the Claims:

Please add the following new claims 52-59:

52. (New Claim) The medical device of claim 1, wherein said vector is site specific.

53. (New Claim) The medical device of claim 1, wherein the said first polynucleotide encodes one or more products selected from the group consisiting of: nitric oxide synthase; human fibroblast growth factor; vascular endothelial growth factor; tissue plasminogen activator; anti-thrombogenic agents; erythropoietin; antioxidants; angiogenic and anti-angiogenic agents; agents blocking smooth muscle cell proliferation; angiopeptin; monoclonal antibodies capable of blocking smooth muscle cell proliferation; anti-inflammatory agents; calcium entry blockers; antineoplastic/antiproliferative/

anti-mitotic agents; anti-coagulants; antithrombin compounds; platelet receptor antagonists; anti-thrombin antibodies; anti-platelet receptor antibodies; prostaglandin inhibitors; platelet inhibitors; vascular cell growth promotors; transcriptional activators; translational promotors; vascular cell growth inhibitors; growth factor receptor antagonists; transcriptional repressors; translational repressors; or replication inhibitors.

54. (New Claim) The medical device of claim 1, wherein said vector contains regulatory sequences.

55. (New Claim) The method of claim 26, wherein said vector comprises liposomes, lipofectin, lipoplexes, polyplexes, dextrans, starburst, dendrimer conjugates, polybenrene dimethyl sulfoxide, protamine sulfate, antibody conjugates, polylysine conjugates, gramacidin S, artificial conjugates, viral envelopes, viral-like particles, nano or micro particles, or a combination thereof.

56. (New Claim) The method of claim 26, wherein said vector is site specific.

57. (New Claim) The method of claim 26, wherein said first therapeutic agent causes the production of one or more products selected from the group consisting of: nitric oxide synthase; human fibroblast growth factor; vascular endothelial growth factor; tissue plasminogen activator; anti-thrombogenic agents; erythropoietin; antioxidants; angiogenic and anti-angiogenic agents; agents blocking smooth muscle cell proliferation; angiopeptin; monoclonal antibodies capable of blocking smooth muscle cell proliferation; anti-inflammatory agents; calcium entry blockers; antineoplastic/antiproliferative/ anti-mitotic agents; anti-coagulants; antithrombin compounds; platelet receptor antagonists; anti-thrombin antibodies; anti-platelet receptor antibodies; prostaglandin inhibitors; platelet inhibitors; vascular cell growth promotors; transcriptional activators; translational promotors; vascular cell growth inhibitors; growth factor receptor antagonists; transcriptional repressors; translational repressors; replication inhibitors, or a combination thereof.